IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 7 of 2004
IN
CIVIL REVISION APPLN. ST. NO. 8601 OF 1997

The State of Maharashtra .. Applicant
versus
Ramchandra B. Rasal, (dec) thru
LRs. Smt.Namuna R. Rasal & ors .. Respondents

...

Mr.S.N. Gawde, AGP for the applicant

CORAM : D.G. KARNIK, J

DATED : 6th December 2006

P.C.:

1. Heard learned AGP for the applicant.

2. This application is taken out for condonation of delay in making an application for restoration of the previous civil application no.4591 of 1997.

3. Previous civil application no.4591 of 1997 was made for condonation of delay in filing the civil revision application and the rule was issued therein on 10th December 1997. However, Bhatta charges were not

paid and therefore, the said civil application was dismissed for non prosecution on 17th December 2002. This civil application has been filed some time in the year 2004 for condonation of delay in making the application for restoration.

4. It must be stated that the application does not even bear the date on which it is filed. It is not accompanied by the presentation form. However, the application appears to have been filed some time in the year 2004 as per office as per the endorsement on the application. Thus the application for restoration is filed after more than one year of the dismissal of the previous application for condonation of delay. No reasons have been mentioned why the application for restoration could not be filed within the period of limitation. In paragraph no.5, it is only stated that delay is not caused intentionally but due to unavoidable circumstances, without even mentioning what the unavoidable circumstances were. In the absence of any reasons given for condonation of delay, the application cannot be granted. Accordingly, the civil application is dismissed.

(D.G. KARNIK, J)